

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

LAURA ZAMORA JORDAN, as her  
separate estate, and on behalf of others  
similarly situated,

Plaintiff,

v.

NATIONSTAR MORTGAGE, LLC, a  
Delaware limited liability company,

Defendant.

NO: 2:14-CV-0175-TOR

ORDER LIFTING THE STAY AND  
DENYING MOTIONS FOR PARTIAL  
SUMMARY JUDGMENT

BEFORE THE COURT are Nationstar's Motion for Partial Summary Judgment (ECF No. 45) and Plaintiff's Motion for Partial Summary Judgment (ECF No. 61). These matters were heard with oral argument on July 30, 2015. Clay M. Gatens appeared on behalf of Plaintiff and others similarly situated. Jan T. Chilton and John A. Knox appeared on behalf of Defendant.

Following oral argument, the Court certified two questions of law to the Washington Supreme Court. ECF No. 72. This Court stayed this case pending

ORDER LIFTING THE STAY AND DENYING MOTIONS FOR PARTIAL  
SUMMARY JUDGMENT ~ 1

1 receipt of the Washington Supreme Court's answers to the certified questions.  
2 ECF No. 72 at 9-10. The Washington Supreme Court accepted the certified  
3 questions and, on July 7, 2016, issued its decision. *Jordan v. Nationstar Mortgage,*  
4 *LLC*, No. 92081-8, slip op. (Wash. July 7, 2016). Accordingly, the stay is hereby  
5 **LIFTED**.

6 In light of the Washington Supreme Court's decision, the Court makes the  
7 following rulings:

8 The Court **DENIES** Defendant's motion for partial summary judgment  
9 (ECF No. 45), which asked this Court to find the provisions at issue within  
10 Plaintiff's and class members' deeds of trust enforceable under Washington law.  
11 The provisions, which allow the lender to take possession, are unenforceable under  
12 Washington law. As this Court previously ruled, Nationstar's motion for partial  
13 summary judgment as it pertains to Plaintiff's individual Fair Debt Collection  
14 Practices Act ("FDCPA") claim is **GRANTED**. *See* ECF No. 71 (noting that  
15 Plaintiff conceded this claim should be dismissed).

16 The Court also **DENIES** Plaintiff's motion for partial summary judgment  
17 (ECF No. 61), which asked this Court to find that Washington law requires a  
18 lender to obtain the borrower's post-default consent or permission from a court  
19 before effectuating the disputed entry provisions. The lender is not required to  
20

1 obtain a court-appointed receiver pursuant to RCW chapter 7.60 in order to gain  
2 access to the encumbered property prior to foreclosure.

3 **ACCORDINGLY, IT IS ORDERED:**

4 1. The Court-imposed stay (ECF No. 72) is hereby **LIFTED**.

5 2. Nationstar's Motion for Partial Summary Judgment (ECF No. 45) is  
6 **DENIED in part and GRANTED in part**. As this Court previously ruled,  
7 Defendant's motion, as it pertains to Plaintiff's individual FDCPA claim, is  
8 **GRANTED**. *See* ECF No. 71. As indicated herein, the remainder of Defendant's  
9 motion is **DENIED**.

10 3. Plaintiff's Motion for Partial Summary Judgment (ECF No. 61) is  
11 **DENIED**.

12 4. The District Court Executive is directed to enter this Order, provide  
13 copies to counsel, and issue a Bench Trial Scheduling Conference Notice so that  
14 this case may be scheduled for trial.

15 **DATED** July 21, 2016



18  
19  
20

A handwritten signature in blue ink that reads "Thomas O. Rice".

THOMAS O. RICE  
Chief United States District Judge